

REMARKS

By this Amendment, claims 1-9, 20-30, 32, 33, 35-38, 40-43, and 45-47 are pending, in which claims 31, 34, 39, and 44 have been canceled without prejudice or disclaimer and claims 1, 2, 20, 36, 38, 41, 43, 46 and 47 are currently amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure noting, for example, page 12, line 10 through page 13, line 23 of the written description of the Specification. Accordingly, Applicants submit that no new matter has been introduced.

The Office Action mailed April 1, 2009 rejected claims 1-9 and 20-47 under 35 U.S.C. § 103(a) as obvious based on *Truetken et al.* (U.S. Pub. 2003/0067887 A1) in view of *Vassllovski et al.* (U.S. Pub. 2003/0012170 A1) and further in view of *Pepe et al.* (U.S. 5,742,905).

In order to reduce issues for potential appeal, Applicants have amended independent claims 1, 20, 36, 41, 46, and 47. Accordingly, claims 1, 20, 36, 41, 46, and 47 now recite, *inter alia*, “wherein the control portion comprises **an expiration time field value** wherein **the value of the expiration time field value is configured to identify the type of message service** transported by the session initiation protocol message.” Applicants submit that, whether taken alone or in combination, *Truetken et al.*, *Vassllovski et al.*, and *Pepe et al.* fail to teach, or even remotely suggest, these features.

At best, *Truetken et al.* discloses that “[a] call is identified by a unique SIP call ID,” and that “[a] session within a call is identified by session description protocol (SDP) session ID,” (§ [0023]). Even still, the Office Action, on page 3, correctly acknowledges that the applied reference fails to disclose a control portion of a session initiation protocol message, much less that the unique SIP call ID is included in such a control portion. Accordingly, *Truetken et al.*

does not teach, or even remotely suggest, a session initiation protocol message comprises a control portion, much less that the control portion comprises **an expiration time field value** wherein **the value of the expiration time field value is configured to identify the type of message service** transported by the session initiation protocol message.

The Office Action, on pages 3 and 4, applies *Vassilovski et al.* as supposedly disclosing a “control portion comprises an identification of the type of message service transported by session initiation protocol message,” citing the Abstract and paragraph [0008] of the written description, as well as element 100 of FIG. 6. It was argued that “[a] communication system includes a Session Initiation Protocol (SIP) header that contains information which is derived at least in part from an over-the-air (OTA) protocol message from a wireless communication device” that apparently is used as the identification, (Office Action, pages 3-4). Even if *Vassilovski et al.* does disclose such an SIP header, the SIP header of *Vassilovski et al.*, at best, merely “includes OTA network parameters, in addition to conventional SIP information,” (See ¶ [0048]). That is, header 100 includes a URL 104 associated with wireless telephone 12, an ESN identifier 106, an IMIS_CLASS identifier 108, wireless telephone authentication information 110, and an “x”-line 112 conveying various CDMA-specific information, such as one or more parameters like MOB-TERM, SCM, PM, ENCRYPTION_SUPPORTED, and PACA_SUPPORTED parameters, (¶¶ [0046]-[0049]). The SIP header may also include a short message service (SMS) media type or email media type that indicates that the message body contains OTA SMS or email data, (¶ [0053]). In this manner, none of the information in the SIP header of *Vassilovski et al.* teaches, or even remotely suggests, that the SIP header comprises **an expiration time field value** wherein **the value of the expiration time field value is configured to identify the type of message service** transported by the session initiation protocol message.

Moreover, reference to *Pepe et al.* does not cure the deficiencies of *Truetken et al.* and *Vassilovski et al.* *Pepe et al.* merely discloses a personal communications internetworking that provides a network subscriber with the ability to remotely control the receipt and delivery of wireless and wireline voice and text messages, (Abstract). At best, the applied reference discloses a PCI applications server 114 that controls message routing, screening, and notification of the wireless message service, (Col. 8, lines 62-67). In certain embodiments, a messaging peripheral 112 may be provided that notifies the PCI application server 114 of certain types of messages, e.g., email messages, being received, (Col. 10, lines 34-39). At no point, however, does *Pepe et al.* teach, or even remotely suggest, a session initiation protocol message, much less a session initiation protocol message that comprises a control portion that comprises **an expiration time field value** wherein **the value of the expiration time field value is configured to identify the type of message service** transported by the session initiation protocol message.

Thus, whether *Truetken et al.*, *Vassilovski et al.*, and *Pepe et al.* are taken alone or in combination, and Applicants do not agree that the requisite motivation has been established to combine the applied references, *Truetken et al.*, *Vassilovski et al.*, and *Pepe et al.* fail to teach, or even suggest, all of the claimed features. Applicants, therefore, respectfully submit that the rejection of claims 1-9 and 20-47 under 35 U.S.C. § 103(a) is not viable and, hence, should be withdrawn.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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